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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,485	08/07/2003	Alejandro Wiechers	200207415-1	1068
22879	7590	11/01/2007		
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER MILIA, MARK R	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/635,485

Applicant(s)

WIECHERS, ALEJANDRO

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 12-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 12-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 8/17/07 and has been entered and made of record. Currently, claims 1-5 and 12-28 are pending.

Claim Rejections - 35 USC § 101

2. Applicant's cancellation of claims 6-10 has overcome the rejection set forth in the previous Office Action. Therefore the rejection has been withdrawn.

Response to Arguments

3. Applicant's arguments filed 8/17/07 have been fully considered but they are not persuasive.

Applicant asserts that Kemp (US 2002/0078160) fails to disclose "receiving at the designer location from the print service provider location real time configuration information regarding a print production device at the print service provider location", or "creating at the designer location a high performance file using the real time configuration information from the print service provider location, the high performance file comprising the digital file that represents the image to be printed and processing

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instructions that indicate how a print job associated with the high performance file is to be processed", and "verifying at the print service provider location tat the print job will be processed at the print service provider location as indicated by the processing instructions contained in the high performance file, and if not, correcting the high performance file to ensure processing substantially as designed". The examiner respectfully disagrees as Kemp does disclose such features. Particularly, Kemp states that a host computer (client/@ home user), a print shop (service provider), and a portal are communicatively connected via a network, such as the Internet. Within the print shop a plurality of printers are connected to a server, the server communicating with both the plurality of printers, the portal, and the host computer (client). Kemp also states that after receiving a job ticket (processing instructions) from the client the service provider server consults a look-up table containing all of the various capabilities of the print shop. In the construction of the look-up table each printer must submit its capabilities to the server. The result of the consultation is sent back to the client for approval or in the case that a failure message is sent, the client can submit a new request (job ticket) with different printing parameters, thereby correcting the job ticket. Kemp further states that the client print driver renders the print job and sends it to the spooler. The job ticket is sent to the service provider without the actual print job, which stays in the spooler at the client, until a response is received from the service provider as to whether or not the print job can be processed. Thus, Kemp discloses receiving at the designer location from the print service provider location real time configuration information regarding a print production device at the print service provider location,

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creating at the designer location a high performance file using the real time configuration information from the print service provider location, the high performance file comprising the digital file that represents the image to be printed and processing instructions that indicate how a print job associated with the high performance file is to be processed, and verifying at the print service provider location tat the print job will be processed at the print service provider location as indicated by the processing instructions contained in the high performance file, and if not, correcting the high performance file to ensure processing substantially as designed.

Therefore, the rejection as set forth in the previous Office Action is maintained. Newly added claims 12-28 will be addressed below.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-5, 12, 14, 20-23, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0078160 to Kemp et al.

Regarding claim 1, Kemp discloses a method, program, and system of managing workflow in a commercial printing environment including a designer location and a print service provider location, said method comprising: creating at the designer location a digital file that represents an image to be printed (see paragraphs 35-36), receiving at the designer location from the print service provider location real time configuration

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information regarding a print production device at the print service provider location (see Figs. 1 and 3 and paragraphs 43, 55-58, 60-62, 69-71, and 84-87), creating at the designer location a high performance file using the real time configuration information from the print service provider location, the high performance file comprising the digital file that represents the image to be printed and processing instructions that indicate how a print job associated with the high performance file is to be processed (see Figs. 3 and 4 and paragraphs 36, 43, 48, 52-58, 60-62, 69, and 84-87), submitting the high performance file from the designer location to the print service provider location via an electronic network (see Figs. 4 and 10 and paragraphs 52-58 and 84-87), verifying at the print service provider location that print the print job will be processed at the print service provider location as indicated by the processing instructions contained in the high performance file and, if not, correcting the high performance file to ensure processing substantially as designed (see paragraphs 84-87), and performing at the print service provider location automated printing on a digital printer using, if created, the corrected high performance file, else using the verified high performance file (see paragraphs 40-41 and 64).

Regarding claim 20, Kemp discloses a system for managing workflow in a commercial printing environment, said system comprising: a designer location configured to: create a digital file that represents an image to be printed (see paragraphs 35-36), receive from a print service provider location real time configuration information regarding a print production device at the print service provider location (see Figs. 1 and 3 and paragraphs 43, 55-58, 60-62, 69-71, and 84-87), create a high

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performance file using the real time configuration information from the print service provider location, the high performance file comprising the digital file that represents the image to be printed and processing instructions that indicate how a print job associated with the high performance file is to be processed (see Figs. 3 and 4 and paragraphs 36, 43, 48, 52-58, 60-62, 69, and 84-87), and submit the high performance file to the print service provider location via an electronic network (see Figs. 4 and 10 and paragraphs 52-58 and 84-87), and a print service provider location configured to: verify that the print job will be processed at the print service provider location as indicated by the processing instructions contained in the high performance file and, if not, correct the high performance file to ensure processing substantially as designed (see paragraphs 84-87), and perform automated printing on a digital printer using, if created, the corrected high performance file, else using the verified high performance file (see paragraphs 40-41 and 64).

Regarding claims 2 and 21, Kemp further discloses wherein verifying comprises performing automated remote printing setup (see paragraphs 84-87).

Regarding claims 3 and 22, Kemp further discloses wherein performing automated printing comprises performing automated printing in accordance with printing instructions contained within the high performance file (see paragraphs 48, 52-58, 69-72, and 85-87).

Regarding claims 4 and 23, Kemp further discloses wherein correcting includes reading printing instructions prepared at the designer location and contained within the

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high performance file, and preparing appropriate corresponding instructions for the digital printer at the print service provider location (see paragraph 84).

Regarding claim 5, Kemp further discloses wherein correcting further comprises updating a job ticket corresponding to the high performance file (see paragraphs 69 and 84-85).

Regarding claim 12, Kemp further discloses wherein verifying comprises automatically ensuring the digital file and instruction files are contained within the high performance file (see paragraphs 84-87).

Regarding claims 14 and 26, Kemp further discloses wherein verifying comprises automatically checking to see if there are any errors in the high performance file that would prevent the print job from being completed properly (see paragraphs 84-87).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15, 17-19, 24, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp as applied to claims 1 and 20 above, and further in view of U.S. Patent Application Publication No. 2003/0090713 to Saito.

Regarding claims 15 and 27, Kemp does not disclose expressly wherein correcting the high performance file comprises adding missing instructions or revising instructions contained within the high performance file to account for changes in equipment.

Saito discloses wherein correcting the high performance file comprises adding missing instructions or revising instructions contained within the high performance file to account for changes in equipment (see abstract, Fig. 2, and paragraphs 65-70).

Regarding claim 17, Kemp does not disclose expressly wherein correcting the high performance file comprises performing a new finishing setup and change finishing instructions contained in the high performance file.

Saito discloses wherein correcting the high performance file comprises performing a new finishing setup and change finishing instructions contained in the high performance file (see abstract, Fig. 2, and paragraphs 65-70).

Regarding claim 18, Kemp does not disclose expressly wherein correcting the high performance file comprises performing a new packaging setup and change packaging instructions contained in the high performance file.

Saito discloses wherein correcting the high performance file comprises performing a new packaging setup and change packaging instructions contained in the high performance file (see abstract, Fig. 2, and paragraphs 65-70).

Regarding claim 19, Kemp does not disclose expressly wherein correcting the high performance file comprises performing a new shipping setup and change shipping instructions contained in the high performance file.

Saito discloses wherein correcting the high performance file comprises performing a new shipping setup and change shipping instructions contained in the high performance file (see abstract, Fig. 2, and paragraphs 65-70).

Regarding claim 24, Kemp does not disclose expressly wherein the print service provider location is configured to automatically correct the high performance file by updating a job ticket corresponding to the high performance file.

Saito discloses wherein the print service provider location is configured to automatically correct the high performance file by updating a job ticket corresponding to the high performance file (see abstract, Fig. 2, and paragraphs 65-70).

Regarding claim 28, Kemp does not disclose expressly wherein the print service provider location is configured to correct the high performance file by performing at least one of a new imposition setup, a new finishing setup, a new packaging setup, and a new shipping setup and change instructions contained in the high performance file.

Saito discloses wherein the print service provider location is configured to correct the high performance file by performing at least one of a new imposition setup, a new finishing setup, a new packaging setup, and a new shipping setup and change instructions contained in the high performance file (see abstract, Fig. 2, and paragraphs 65-70).

Kemp & Saito are combinable because they are from the same field of endeavor, printing based on printer capabilities.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the correcting of a print job by updating a job ticket with new finishing or other options, as described by Saito, with the system of Kemp.

The suggestion/motivation for doing so would have been to ensure that a print job is executed by a printing device even if certain print options/settings cannot be performed by the printing device so that the user will still obtain some form of printed output.

Therefore, it would have been obvious to combine Saito with Kemp to obtain the invention as specified in claims 15, 17-19, 24, and 27-28.

8. Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp as applied to claims 1 and 20 above, and further in view of U.S. Patent Application Publication No. 2004/0218201 to Lermant et al.

Kemp does not disclose expressly wherein verifying comprises automatically checking to see if a digital printer selected at the designer location is available.

Lermant discloses wherein verifying comprises automatically checking to see if a digital printer selected at the designer location is available (see Fig. 2 and paragraph 32).

Kemp & Lermant are combinable because they are from the same field of endeavor, printing based on printer capabilities.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the checking to see if a printer is available, as described by

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Lermant (and which is well known and commonly used in the art), with the system of Kemp.

The suggestion/motivation for doing so would have been to ensure printing actually takes place, thereby increasing system efficiency and saving time.

Therefore, it would have been obvious to combine Lermant with Kemp to obtain the invention as specified in claims 13 and 25.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp as applied to claim 1 above, and further in view of U.S. Patent Application Publication No. 2002/0116439 to Someshwar et al.

Kemp discloses correcting the high performance file (see paragraphs 84-87)

Kemp does not disclose expressly wherein correcting the high performance file comprises performing a new imposition setup to change imposition instructions contained in the high performance file.

Someshwar discloses print options, such as job imposition (see paragraphs 18 and 21).

Kemp & Someshwar are combinable because they are from the same field of endeavor, printing based on printer capabilities.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the imposition options, as described by Someshwar, with the system of Kemp.

The suggestion/motivation for doing so would have been to enable correction of any print option set by a user to avoid wasting time and increase system efficiency.

Therefore, it would have been obvious to combine Someshwar with Kemp to obtain the invention as specified in claim 16.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened-statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

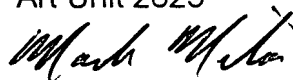
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
Art Unit 2625



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